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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/184,600 11/02/98 SITRICK

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EXAMINER

QM22/0614

DAVID H. SITRICK  
SITRICK & SITRICK  
8340 N. LINCOLN AVENUE  
STE. 201  
SKOKIE IL 60077

SAGER, M

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

06/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/184,600

Applicant(s)

Sitrick

Examiner

Sager

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 1, 2001; Mar 26, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35-53, and 55-75 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-10, 12, 13, 15-24, 26, 32-36, 39-58, 60-65, and 71-75 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 6, 11, 14, 25, 27-31, 37, 38, 59, and 66-70 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

*Mark Sager*  
MARK SAGER  
PRIMARY EXAMINER

## Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☒ Interview Summary (PTO-413) Paper No(s). 14 and 15

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10

20) ☐ Other:

*Ex Parte Quayle*

1. This application is in condition for allowance except for the following formal matters:  
correction of objections to drawings and to claims, with respect to disclosure.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

*Examiner's Amendment*

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David Sitrick (29349) on June 7 and 11, 2001 and the summaries are incorporated herein.

3. The application has been amended as follows:

Amended line 1 of page 1 of specification (as amended in paper received Mar. 26, 2001) to add --  
-in-part-- after 'continuation'.

This addresses the objection regarding new matter entered in originally filed or in preliminarily  
filed amendments, including at least for claims 15, <sup>31,</sup> 59, 62, 64, 66 and 69-70.

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***Information Disclosure Statement***

4. The information disclosure statement filed Mar. 1, 2001 cites references previously listed on PTO form 892. The cover letter attached to cited IDS indicates reference was cited on an International Search Report; however no report was provided.

***Restriction Requirement***

5. The examiner has reconsidered the restriction requirement discussed with Applicant during conversation on 7 June 2001 and, has proceeded with prosecuting all pending claims 1-33, 35-53 and 55-71.

***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "380" has been used to designate both scanner (37:22) and interface (37:25). Correction is required.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed functional steps (clms 21-25, 34-37, 44-47, 50-53, 55-56, 61-71 and 75) including 'representing a video presentation', 'integrating the video signals and user image signals' (each of clm 21), 'providing a signal for a background video representation', 'providing a customized image' (where customized or modified image is combined user image with ancillary data image), analyzing and integrating image with presentation, and displaying or viewing a movie, the 'mapping of the poses... emotional function' (clm 31) and the means for the users image from the secondary source to 'participate with predefined associative actions in the presentation as an extra actor' and others as

claimed must be shown or the feature(s) canceled from the claim(s). Particularly, the drawings show claimed structure, but there is a lack of illustration in the drawings for the claimed functionality. This is neither an written description nor an enablement issue, but rather it pertains to a rule for illustrating to the public the claimed invention. No new matter should be entered.

### *Claim Objections*

8. Claims 6, 11, 14, 25, 27-<sup>31</sup>~~30~~, 37-38, 59, and 66-70 are objected to because of the following informalities: 'respective' for --respective-- (clm 29). The phrases 'other... storage' (clms 6 twice), 'other props' (clm 25), 'other attire' (clm 27), 'other facial' (clm 30), 'other program data' (clm 67) and 'any medium' (clm 66) are unclear with respect to scope of disclosed invention. Essentially, the phrases fail to clearly define for the public the scope of claim with respect to disclosure. Additionally, 'videotape, ... video disk' and 'digital storage' are redundant for 'magnetic storage' (clm 6), as defined by specification. The listing 'analog signal, ... audio data' and 'mapping signals' appear redundant for 'control signals' (clm 14). At least the 'accessories', 'weapons' and 'glasses' appear to be redundant for 'props' (clm 25) with respect to disclosure. The term 'attire' is redundant for 'clothing' and, 'removal of hair', 'addition of hair' and 'hair color' appear redundant for 'hairstyle' and, 'cosmetics' and 'glasses' are redundant for 'facial accessories' and 'jewelry' may be redundant for 'clothing accessories' and, 'hair color' is redundant for 'colors' (each clm 27). The 'semiconductor device' is redundant for 'magnetic storage device' (clm 28). At least the listing of 'smiling, ... frustrated' are redundant for 'facial expressions' (clm 30). A 'movie' (clm 37) is redundant form of either video image [silent films] or audiovisual image. The listing of 'facial features' and 'hair style, mustache, ... makeup' appear

redundant for 'predefined image data' (clm 38), as defined in specification. The listing 'video display' and 'movie... video game display' are redundant for 'audiovisual display' (clm 59). At least 'video tape... computer disk' are redundant for 'magnetic storage' and compact disk is redundant for optical storage (clm 66). The 'video display' and 'movie display... game display' are redundant for 'audiovisual display' (clm 69). The video tape' and 'computer disk' appear redundant for 'semiconductor memory' and 'compact disc' and 'digital versatile disc (DVD)' appear redundant for 'optical disc' (clm 70). The term 'modem' (clm 11) does not appear to be the source of the image signal as claimed but rather is a communication or transferring means for communicating/transferring the image signal to/from a remote source. The modem is a device for communicating and is not the source of the signals/image analogous to the water pipe transferring water to/from the reservoir the modem transfers the signals to/from a remote source. The 'background scene' and a 'sequence of background scenes' (clm 25) is confusing and inconsistent with 'ancillary data' as described in specification. Specifically, the claimed 'scene' and 'scenes' are not ancillary data as defined by specification. Appropriate correction is required.

*Allowable Subject Matter*

*mas*  
9. Claims 1-5, 7-10, 12-13, 15-24, 26, <sup>32</sup>~~31~~-36, 39-58, 60-65, and 71-75 are allowed. It is  
*mas*  
noted that claims 6, 11, 14, 25, 27-<sup>31</sup>~~30~~, 37-38, 59 and 66-70 include objectionable matter and would be allowable upon clarifying for record.

*Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Valencia Martin Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 305-3580. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148 or (703) 305-5648.



M. Sager  
Primary Examiner  
June 12, 2001